

## NOTICE OF INDEPENDENT REVIEW DECISION

July 9, 2002

RE: MDR Tracking #: M2-02-0831-01  
IRO Certificate #: 4326

\_\_\_ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Texas Workers' Compensation Commission (TWCC) has assigned the above referenced case to \_\_\_ for independent review in accordance with TWCC Rule §133.308 which allows for medical dispute resolution by an IRO.

\_\_\_ has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination, and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by a \_\_\_ physician reviewer who is board certified in neurology which is the same specialty as the treating physician. The \_\_\_ physician reviewer has signed a certification statement stating that no known conflicts of interest exist between him or her and any of the treating physicians or providers or any of the physicians or providers who reviewed the case for a determination prior to the referral to \_\_\_ for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to this case.

### Clinical History

This 46 year old female sustained a work related injury on \_\_\_\_\_. The patient underwent a lumbar discogram on 01/06/00 and an MRI of the lumbar spine performed on 03/21/01. The patient continues to complain of low back pain radiating to both buttocks and down to the right hip, right leg and down to the right foot. The treating neurologist has recommended that the patient undergo a lumbar percutaneous discectomy at L5-S1 under fluroscopy monitored anesthesia care (MAC).

### Requested Service(s)

Percutaneous discectomy at L5-S1 under fluroscopy with MAC

### Decision

It is determined that the percutaneous discectomy at L5-S1 with MAC is medically necessary to treat this patient's condition.

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Rationale/Basis for Decision

The patient's symptoms are persistent despite symptomatic care. Her pain radiation and symptoms are consistent with the L5-S1 pathology and should respond to the planned procedure. The MRI and discogram also indicate pathology that will respond to the procedure. Therefore, the percutaneous diskectomy at L5-S1 with MAC is medically indicated.

This decision by the IRO is deemed to be a TWCC decision and order.

**YOUR RIGHT TO REQUEST A HEARING**

Either party to this medical dispute may disagree with all or part of the decision and has a right to request a hearing.

**If disputing a spinal surgery prospective decision** a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **10** (10) days of your receipt of this decision (20 Tex. Admin. Code 142.5 (c)).

**If disputing other prospective medical necessity (preauthorization ) decisions** a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **20** (twenty) days of your receipt of this decision (28 Tex. Admin Code 148.3).

This Decision is deemed received by you 5 (five) days after it was mailed (28 Tex. Admin Code 102.4(h) or 102.5(d)). A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Workers' Compensation Commission, P.O. Box 40669, Austin, Texas, 78704-0012. **A copy of this decision should be attached to the request.**

The party appealing the decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute (Commission Rule 133.308 (t)(2)).

Sincerely,